

USA v. Fairbanks Capital Corp.

Alanna L. Curry, et al. v. Fairbanks Capital Corp.
Claims Administration Center, c/o Gilardi & Co. LLC
P.O. Box 808054, Petaluma, CA 94975-8054

CLAIM FORM - FORECLOSURE

Please Do Not Use Red Ink, Pencil or Staples

//////////

Name:

Address:

City, State, Zip Code:

Last 4 Digits of SSN: _____

Loan Number: _____

According to its records, Fairbanks foreclosed on your home at some time on or after January 1, 1999. You may be eligible for an extra payment from the settlement fund if you believe the foreclosure was improper. As the Notice of Proposed Class Action Settlement explains, the court has not yet given final approval to the settlement; if the court does not approve the settlement, there will be no refunds issued.

If you believe that your foreclosure was improper, you should submit this claim form and the other claim form we sent you. If you believe you paid certain illegal fees, but the foreclosure was proper, you should only return the other claim form, designated "CLAIM FORM – LATE FEES/DEFAULT RELATED FEES."

An improper foreclosure may mean that any one or more of the following things happened:

- (1) you tried to make your payments, but Fairbanks lost them or refused them;
- (2) Fairbanks said you owed money that you did not owe and foreclosed on you because of that; or
- (3) you tried to sell the property yourself before the foreclosure sale, but Fairbanks did not accept the loan payoff or caused you to lose out on the sale for some other reason.

To make a claim for an improper foreclosure, you and any co-borrowers on the loan(s) must sign this form below. **In addition, you must return this form to the Claims Administration Center at the above address, postmarked no later than April 24, 2004.** A return envelope is enclosed for your convenience. The amount you will receive will depend on the number of claim forms submitted.

You may be asked to provide further information in order to establish that you were subject to an improper foreclosure. In addition, even if your claim of wrongful foreclosure is accepted, you may not receive payment for all of your losses. If you believe that you have substantial losses, you may wish to opt-out of the Settlement and bring your own action [See Section 7 of the Notice sent to you]. We suggest you consult an attorney before making this decision.

By signing below, you and any co-borrowers on your loan(s) affirm that you believe that the foreclosure that Fairbanks completed on your home was improper, and that you would like to receive a settlement payment. As consideration for a settlement payment, you and any co-borrowers on your loan(s) agree to release Fairbanks and related entities from all claims with respect to the servicing of your loan through December 10, 2003, as set forth in the Settlement Agreement in the *Curry* action.

IMPORTANT: You and all co-borrowers on the loan(s) must sign here to make a claim.

(Signed)

(Signed)

IMPORTANT INFORMATION ON THE OTHER SIDE OF THIS DOCUMENT.

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[illegible][illegible][illegible]

Reminder Checklist:

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This information is being collected in order to make a distribution of funds paid to the Federal Trade Commission in connection with an order entered by the United States District Court for the District of Massachusetts pursuant to 15 U.S.C. §§ 45(a) and 53(b). This information may also be disclosed to the counsel listed in the court's preliminary approval order in the related class action. In addition, this information may be disclosed for other purposes authorized by the Privacy Act, 5 U.S.C. § 552a and 47 Fed. Reg. 32,622, including disclosure to other government agencies. Submission of the requested information is voluntary, but failure to provide the requested information could delay processing or, in some cases, make it impossible for us to process your claim.